IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos. 23076 and 23077 OF 2004

W.P.NO.23076 OF 2004

Between:

Smt. Saleha Begum, W/o Late Mohd. Inamullah,
Dealer of Shop No. 339, Circle III, R/o 21-3-410, Moosabowli, Hyderabad.

..... PETITIONER

AND

1 The Chief Rationing Officer (Twin Cities), Hyderabad, near Anand Talkies, Secunderabad.
2 The District Supply Officer, (City), Hyderabad, near Anand Talkies,

Secunderabad,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the notification issued by 2nd respondent in proceedings No. B2/4883/2004 dt. 26-11-2004 in so far as Fair Price Shop of the petitioner ie., shop No. 339 is concerned as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as Fair Price Shop dealer as usual, and pass such other order or further orders.

W.P.No.23077 of 2004

Between:

Mr.Anil Kumar S/o.late Heeralal
Circle-III,At 20-4-674-75, Shahagunj Chowk,
Near Charminar, Hyderabad.

..... PETITIONER

AND

1 The Chief Rationing Officer (Twin cities) Hyderabad,
Near Anand Talkies, Secunderabad.
2 The District Supply Officer (city) Hyderabad,
Near Anand Talkies, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the notification issued by 2nd respondent in proceedings No.B2/4883/2004 dt 26-11-2004 in so far as fair price shop of the petitioner i.e.shop No.343 is concerned as illegal, arbitrary, discriminatory and violative of principles of natural justice and consequently direct the respondents to continue the petitioner as Fair Price shop dealer as usual, and pass such other or further orders.

Counsel for the Petitioners:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following Order:

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOS. 23076 AND 23077 OF 2004

COMMON ORDER:

In both these writ petitions similar questions of fact and law arise. Hence, they are disposed of together.

The husband of the petitioner in W.P.No.23076 of 2004 and the father of the petitioner in another W.P.No.23077 of 2004 were appointed as dealers of fair price shops in the city of Hyderabad. The said dealers died. On the application submitted by the petitioners herein alleging that they have no other source of livelihood, the first respondent appointed them as dealers on temporary basis, till a permanent dealer is appointed. The first respondent issued notification, dated 26.11.2004, inviting applications for selection of candidates for appointment of dealers for as many as nine shops. The shops, in respect of which, the petitioners were appointed as temporary dealers were also notified.

It is urged on behalf of the petitioners that the authorizations are subsisting till March, 2005, and that they are disabled from applying for being appointed as permanent dealers, on account of the fact that the shops are reserved for other categories. They also claim that they are entitled to be continued as dealers if not in respect of the shops, as against other shops wherever it is possible.

Learned Government Pleader for Civil Supplies, on instructions, submits that the reservations were effected duly taking into account the relevant statistics and the petitioners do not have any vested right to be appointed only on the basis of succession.

The only basis for the claim of the petitioners is that they have been appointed as temporary dealers in the place of the original fair price shop dealers. While

appointing the petitioners on temporary basis, the first respondent made it very clear that such arrangement is made pending the appointment of a regular dealer. The dealership of a fair price shop is not hereditory. The first respondent has virtually shown compassion on the petitioners and enabled them to continue in the shops as temporary dealers till a regular dealer is appointed. No right, as such, can be said to have accrued to the petitioners. Nothing is placed on record to disclose that the reservation of the shops, in question, in favour of the respective categories is vitiated in any manner.

Hence, this Court does not find any basis to grant any relief to the petitioners. The same are accordingly dismissed. It is, however, left open to the petitioners to make representation to the first respondent to appoint them as temporary dealers, wherever there exists any vacancy and if the petitioners are otherwise found eligible. There shall be no order as to costs.

13.12.2004

usd/ts

To

1 The Chief Rationing Officer (Twin Cities), Hyderabad, near Anand Talkies, Secunderabad.
2 The District Supply Officer, (City), Hyderabad, near Anand Talkies,

Secunderabad,

3 Two CCs to G.P. for Civil Supplies, A.P.High Court Buildings,

Hyderabad (OUT)

4 Two CD copies.